

ADJOURNMENT POLICY

The Adjournment Policy in Rochester enables the Court to better serve the needs of all participants in the judicial process and is compatible with the Court's mission of developing a cost-effective and efficient legal environment. The intended results of this policy are to reduce the amount of unnecessary time spent by all participants in the courtroom and to afford every reasonable opportunity for matters to be resolved without the need for protracted litigation.

The underlying principal of the Adjournment Policy is that the Court will grant the parties one adjournment as a matter of course in all but the most extraordinary of circumstances.* The adjournment can be of any reasonable length of time as long as **ALL** parties agree to the timetable presented to the Court for consideration. The Court encourages parties to set a realistic adjournment time period to afford themselves the opportunity to properly address the issues involved and genuinely be prepared to present them to the Court on the adjourned date if the matter is not otherwise resolved.

The underpinnings of the initial adjournment of any matter; specifically are as follows:

- (A) To meet the requirements of the Adjournment Policy, the moving party must participate in the process by personal appearance or in writing.
- (B) A written verification by the moving party stating that all parties have consented to the adjournment must be received by the Clerk's Office prior to the initial return date and, if received, the parties need not appear. The docket will be noted appropriately to inform the Court of the status of your matter. The matter will then be automatically rescheduled to the agreed upon adjourned date and time as long as it coincides with a scheduled calendar date.
- (C) If a written verification by the moving party is not received by the Clerk's Office prior to the initial return date, the attorney for one of the parties must appear at the initial call of the matter and advise the Court of the agreement which has been reached and the adjourned date and time requested. If the appearance is by other than the moving party, the moving party must file a written consent to the adjournment in the Clerk's Office within two (2) business days.
- (D) If parties are unable to agree as to the time and date of the adjournment prior to the initial call, all parties must appear before the Court to state their respective positions as to an adjourned date. There will be no exceptions to this requirement and should a party due to extraordinary circumstances be unable to appear, it will be that party's responsibility to engage another attorney to appear on his or her behalf.

- (E) If a hearing has been noticed to all creditors, the attorney for the moving party must appear, for in these circumstances it is highly improbable, if not impossible, that all parties' consents to an adjournment can be obtained.

If a matter has enjoyed as a matter of course its first adjournment pursuant to this Adjournment Policy, a second adjournment may be requested only upon the appearance of **ALL** parties consenting to the first adjournment. If the request for the first adjournment is made thoughtfully by all parties and the time requested is well-used, requests for second adjournments should indicate extraordinary circumstances. Parties will be expected to present to the Court at the first adjournment return date the compelling reason(s) which support the need for a second adjournment and why these factors were not contemplated prior to the request for the first adjournment. If a second adjournment is granted, it will be placed on the adjournment portion of the applicable calendar.

In setting out this policy, the Court reserves its absolute discretion to place any matter over to another calendar when the Court deems that by doing so the best interest of justice will be served.

***NOTE: NO ADJOURNMENTS WILL BE GRANTED IN THE FOLLOWING MATTERS EXCEPT BY THE COURT ON THE RETURN DATE OF THE MATTER AT WHICH THE DEBTOR AND THE DEBTOR'S ATTORNEY MUST APPEAR; (1) CHAPTER 11 & 12 MOTIONS TO DISMISS OR CONVERT; OR (2) CHAPTER 11 HEARINGS ON DISCLOSURE STATEMENTS WHERE OBJECTIONS TO THE DISCLOSURE STATEMENT HAVE BEEN FILED AND NOT RESOLVED BY AN AMENDED DISCLOSURE STATEMENT FILED WITH THE COURT PRIOR TO THE SCHEDULED RETURN DATE.'**